



House of Representatives

General Assembly

File No. 351

January Session, 2013

House Bill No. 5250

House of Representatives, April 4, 2013

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE SAFETY OF WORKERS IN ROADWAY WORK ZONES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-212a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) The Superior Court shall impose an additional fee equivalent to
5 one hundred per cent of the fine established or imposed for the
6 violation of the provisions of section 14-213, 14-213b, 14-214, 14-215,
7 14-216, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-222a, 14-223, 14-224,
8 14-225, 14-227a, 14-230, 14-230a, 14-231, 14-232, 14-233, 14-235, 14-236,
9 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a, 14-241, 14-242, 14-243,
10 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a, 14-249, 14-250, 14-
11 250a, 14-257, 14-261, 14-266, 14-271, 14-273, 14-279, 14-281a, subsection
12 (e) or (g) of section 14-283, section 14-289a, [or] 14-289b or 14-296aa for
13 any such violation committed (1) while construction work is ongoing
14 within a highway construction zone designated in a conspicuous

15 manner by the Department of Transportation, (2) while construction
16 work is ongoing within a municipal road construction zone designated
17 in a conspicuous manner by such municipality, (3) while utility work is
18 ongoing within a utility work zone designated in a conspicuous
19 manner by a public service company, as defined in section 16-1, or by a
20 water company, as defined in section 25-32a, or (4) while activities are
21 ongoing in a traffic incident management zone. Fifty per cent of each
22 such additional fee collected shall be deposited in the work zone safety
23 account within the Special Transportation Fund established pursuant
24 to section 6 of this act and used by the department for highway traffic
25 enforcement, including, but not limited to, the expansion of the
26 "Operation Big Orange" program, to protect the safety of workers in
27 highway work zones, as defined in section 14-212d.

28 Sec. 2. Subsection (a) of section 14-111g of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective*
30 *October 1, 2013*):

31 (a) For the purposes of this subsection, "moving violation" means
32 any violation of subsection (c) of section 14-36 or section 14-36g, 14-
33 212d, 14-218a, 14-219, 14-222, 14-223, 14-230 to 14-249, inclusive, 14-
34 279, 14-283, 14-289b, 14-296aa, 14-299, 14-300, 14-301, 14-302 or 14-303,
35 and "suspension violation" means a violation of section 14-222a or 14-
36 224, subsection (a) of section 14-227a, or section 53a-56b, 53a-57 or 53a-
37 60d. The Commissioner of Motor Vehicles may require any motor
38 vehicle operator who is twenty-four years of age or less, who has been
39 convicted of a moving violation or a suspension violation, or both,
40 committed on two or more occasions to attend a motor vehicle
41 operator's retraining program. The commissioner may require any
42 motor vehicle operator over twenty-four years of age, who has been
43 convicted of a moving violation or a suspension violation or a
44 combination of said violations, committed on three or more occasions
45 to attend a motor vehicle operator's retraining program. The
46 commissioner shall require any motor vehicle operator convicted of
47 traveling more than seventy-five miles per hour or any person
48 operating a commercial motor vehicle convicted of traveling more than

49 sixty-five miles per hour in a highway work zone, as defined in section
50 14-212d, to attend a motor vehicle operator's retraining program. The
51 commissioner shall notify such operator, in writing, of such
52 requirement. A fee of not more than sixty dollars shall be charged for
53 the retraining program. The commissioner, after notice and
54 opportunity for hearing, may suspend the motor vehicle operator's
55 license of any such operator who fails to attend or successfully
56 complete the program until the operator successfully completes the
57 program. The hearing shall be limited to any claim of impossibility of
58 the operator to attend the retraining program, or to a determination of
59 mistake or misidentification.

60 Sec. 3. Subsection (e) of section 14-36 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective*
62 *October 1, 2013*):

63 (e) (1) No motor vehicle operator's license shall be issued until (A)
64 the applicant signs and files with the commissioner an application
65 under oath, or made subject to penalties for false statement in
66 accordance with section 53a-157b, and (B) the commissioner is satisfied
67 that the applicant is sixteen years of age or older and is a suitable
68 person to receive the license. (2) An applicant for a new motor vehicle
69 operator's license shall, in the discretion of the commissioner, file, with
70 the application, a copy of such applicant's birth certificate or other
71 prima facie evidence of date of birth and evidence of identity. (3)
72 Before granting a license to any applicant who has not previously held
73 a Connecticut motor vehicle operator's license, or who has not
74 operated a motor vehicle during the preceding two years, the
75 commissioner shall require the applicant to demonstrate personally to
76 the commissioner, a deputy or a motor vehicle inspector or an agent of
77 the commissioner, in such manner as the commissioner directs, that
78 the applicant is a proper person to operate motor vehicles of the class
79 for which such applicant has applied, has sufficient knowledge of the
80 mechanism of the motor vehicles to ensure their safe operation by him
81 or her and has satisfactory knowledge of the laws concerning motor
82 vehicles and the rules of the road. The knowledge test of an applicant

83 for a class D motor vehicle operator's license may be administered in
84 such form as the commissioner deems appropriate, including audio,
85 electronic or written testing. Such knowledge test shall be
86 administered in English, Spanish or any language spoken at home by
87 at least one per cent of the state's population, according to statistics
88 prepared by the United States Census Bureau, based on the most
89 recent decennial census. Each such knowledge test shall include a
90 question concerning highway work zone safety and the responsibilities
91 of an operator of a motor vehicle under section 14-212d. If any such
92 applicant has held a license from a state, territory or possession of the
93 United States where a similar examination is required, or if any such
94 applicant is a person honorably separated from the United States
95 armed forces who applies within two years following the separation
96 and who, prior to the separation, held a military operator's license for
97 motor vehicles of the same class as that for which such applicant has
98 applied, the commissioner may waive part or all of the examination.
99 When the commissioner is satisfied as to the ability and competency of
100 any applicant, the commissioner may issue to such applicant a license,
101 either unlimited or containing such limitations as the commissioner
102 deems advisable, and specifying the class of motor vehicles which the
103 licensee is eligible to operate. (4) If any applicant or operator license
104 holder has any health problem which might affect such person's ability
105 to operate a motor vehicle safely, the commissioner may require the
106 applicant or license holder to demonstrate personally or otherwise
107 establish that, notwithstanding such problem, such applicant or license
108 holder is a proper person to operate a motor vehicle, and the
109 commissioner may further require a certificate of such applicant's
110 condition, signed by a medical authority designated by the
111 commissioner, which certificate shall in all cases be treated as
112 confidential by the commissioner. A license, containing such limitation
113 as the commissioner deems advisable, may be issued or renewed in
114 any case, but nothing in this section shall be construed to prevent the
115 commissioner from refusing a license, either limited or unlimited, to
116 any person or suspending a license of a person whom the
117 commissioner determines to be incapable of safely operating a motor

118 vehicle. Consistent with budgetary allotments, each motor vehicle
119 operator's license issued to or renewed by a deaf or hearing impaired
120 person shall, upon the request of such person, indicate such
121 impairment. Such person shall submit a certificate stating such
122 impairment, in such form as the commissioner may require and signed
123 by a licensed health care practitioner. (5) The issuance of a motor
124 vehicle operator's license to any applicant who is the holder of a
125 license issued by another state shall be subject to the provisions of
126 sections 14-111c and 14-111k.

127 Sec. 4. Section 14-36f of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2013*):

129 The Commissioner of Motor Vehicles shall adopt regulations, in
130 accordance with the provisions of chapter 54, governing the
131 establishment, conduct and scope of driver education programs in
132 secondary schools of this state, subject to the requirements of section
133 14-36e. Such regulations shall (1) permit any local or regional board of
134 education or private secondary school to contract with a licensed
135 drivers' school approved by the Commissioner of Motor Vehicles for
136 the behind-the-wheel instruction of such driver education program
137 and instruction therein may be given by such school's driving
138 instructors who are licensed by the Department of Motor Vehicles, and
139 (2) require that the classroom instruction of any such driver education
140 program shall include a discussion concerning highway work zone
141 safety and the responsibilities of an operator of a motor vehicle under
142 section 14-212d.

143 Sec. 5. Section 14-78 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2013*):

145 The commissioner may adopt regulations, in accordance with
146 chapter 54, for (1) the conduct of drivers' schools, including, but not
147 limited to, requirements as to the inspection of the vehicles used by the
148 drivers' schools in the conduct of their business, instructional
149 standards and procedures, including instruction of not less than fifteen
150 minutes concerning the responsibilities of an operator of a motor

151 vehicle under subsection (b) of section 14-223 and the penalty for a
152 violation of the provisions of said subsection (b), instruction
153 concerning highway work zone safety and the responsibilities of an
154 operator of a motor vehicle under section 14-212d, the posting of rates
155 charged for instruction, and the general form in which records shall be
156 kept concerning persons under instruction and those who have
157 completed their course of instruction, and (2) the establishment of
158 requirements for a person to receive a license as an instructor in
159 accordance with section 14-73. On and after October 1, 2010, the
160 commissioner shall not issue a license that is limited to classroom
161 instruction. Any person who was issued such limited license prior to
162 October 1, 2010, may maintain and renew such license.

163 Sec. 6. (NEW) (*Effective October 1, 2013*) There is established an
164 account to be known as the "work zone safety account" which shall be
165 a separate, nonlapsing account within the Special Transportation
166 Fund. The account shall contain any moneys required by law to be
167 deposited in the account. Moneys in the account shall be expended by
168 the Department of Transportation for the purposes of highway traffic
169 enforcement to protect the safety of workers in highway work zones,
170 as defined in section 14-212d of the general statutes.

171 Sec. 7. (*Effective from passage*) The Commissioner of Transportation
172 shall study the implementation of a pilot program concerning the use
173 of alternative colored lights in highway work zones. Such study shall
174 include an analysis of the use of alternative colored lights in highway
175 work zones in other states, the success of the use of such lights, safety
176 concerns concerning such lights and any federal or state statutory or
177 regulatory provisions concerning the use of such lights that could
178 affect the implementation of such pilot program. Not later than
179 February 1, 2014, the commissioner shall submit a report of the
180 findings of such study and recommendations, if any, concerning the
181 implementation of such pilot program, in accordance with the
182 provisions of section 11-4a of the general statutes, to the joint standing
183 committee of the General Assembly having cognizance of matters
184 relating to transportation.

185 Sec. 8. Section 14-137a of the general statutes is repealed and the
 186 following is substituted in lieu thereof (*Effective October 1, 2013*):

187 The Commissioner of Motor Vehicles shall adopt regulations in
 188 accordance with the provisions of chapter 54, setting forth the number
 189 of points chargeable against the owner of an operator's license for
 190 conviction of any violation of the motor vehicle laws deemed
 191 appropriate by the commissioner for the assessment of such points.
 192 Such regulations shall provide specific information as to the number of
 193 points assessed for the conviction of each specified violation, the total
 194 number of points which, in a period of time specified by the
 195 commissioner, shall require a hearing before the commissioner or
 196 permit automatic suspension without prior hearing, and the period of
 197 time during which any such suspension shall extend. Such regulations
 198 shall provide that (1) not less than two points shall be assessed for
 199 conviction of a violation of subsection (d) of section 14-100a, (2) not
 200 more than one point shall be assessed for conviction of a violation of
 201 section 14-219, (3) not more than two points shall be assessed for
 202 conviction of a violation of section 14-212d, and [(3)] (4) no points shall
 203 be assessed for an infraction or any violation specified in subsection (b)
 204 of section 51-164n for which the person sends payment of the fine and
 205 any additional fees or costs established for such infraction or violation
 206 to the Centralized Infractions Bureau in accordance with the
 207 provisions of subsection (c) of section 51-164n. If such regulations
 208 provide for participation in a driver improvement course or system for
 209 the owner of an operator's license, the commissioner may charge a fee
 210 of fifty dollars for registration for such course or system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	14-212a(a)
Sec. 2	<i>October 1, 2013</i>	14-111g(a)
Sec. 3	<i>October 1, 2013</i>	14-36(e)
Sec. 4	<i>October 1, 2013</i>	14-36f
Sec. 5	<i>October 1, 2013</i>	14-78
Sec. 6	<i>October 1, 2013</i>	New section

Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2013</i>	14-137a

TRA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Transportation	TF - Revenue Gain	25,000	25,000
Judicial Dept.	GF - Net Revenue Loss	5,000	5,000

Municipal Impact: None

Explanation

The bill requires half of all additional fines collected under CGS 14-212a, which are violations in construction zones, to be deposited in a Work Zone Safety account. This is anticipated to result in a revenue gain to the Work Zone Safety account of approximately \$15,000 and a corresponding revenue loss to the General Fund. In FY 12, there were 591 violations in construction zones and it is anticipated that half of those violations were given an additional fine.

The bill also includes a violation for motorists using a cell phone in a construction zone to the additional fines collected under CGS 14-212a, which is anticipated to result in a revenue gain to the Work Zone Safety account of \$10,000 and a revenue gain to the General Fund of \$10,000. In FY 12, there were 23,646 violations for using a cell phone while driving and it is anticipated that approximately 100 violations will occur in construction zones.

The bill also requires the Department of Transportation to study implementing a pilot program using various color lights to improve work zone safety and is not expected to result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**HB 5250*****AN ACT CONCERNING THE SAFETY OF WORKERS IN ROADWAY WORK ZONES.*****SUMMARY:**

This bill stiffens the penalties for drivers who violate certain laws within highway work zones, and makes other changes concerning highway work zone safety. Among other things, it:

1. doubles the penalty for drivers who use hand-held cell phones in a highway work zone;
2. adds violators of the highway work zone safety law to those people who may be required to attend a driver retraining program, and requires motorists who exceed certain speed limits in a work zone to attend the program;
3. creates a work zone safety account, the funds from which are used for highway traffic enforcement;
4. requires driver's license knowledge tests to include questions on, and driver instruction courses to include discussions of, highway work zone safety; and
5. requires the transportation commissioner to study implementing a pilot program using variously colored lights to improve work zone safety.

EFFECTIVE DATE: October 1, 2013, except that the pilot program provision is effective upon passage.

NEW PENALTIES

Cell Phone Violations in Work Zones

By law, Superior Court judges must double the fine imposed on people convicted of violating certain motor vehicle laws in (1) a designated Department of Transportation (DOT) highway construction or a municipal road construction zone, (2) a utility company work zone, or (3) an active traffic incident management zone. The bill expands the covered violations to include using hand-held cell phones in these zones. Cell phone fines range from \$125 for a first offense to \$400 for a third and subsequent offenses (CGS § 14-296aa).

It requires half of the additional fee collected for all motor vehicle violations in these work zones to be deposited in a work zone safety account the bill creates as a separate, nonlapsing account in the Special Transportation Fund. It requires DOT to use this fund, which must contain any money the law requires, for highway traffic enforcement, including expanding the “Operation Big Orange” program, to protect the safety of workers in highway work zones.

Work Zone Violations Requiring Attendance at a Driver Retraining Program

The bill adds violators of the highway work zone safety law (CGS § 14-212d) to those violators who may be required to attend a driver retraining program (see BACKGROUND).

It requires the motor vehicles (DMV) commissioner to require anyone convicted of driving more than 75 mph in a highway work zone (65 mph if the driver is driving a commercial motor vehicle, such as a large truck) to attend the retraining program.

Points Against Driver’s License

The bill requires the DMV commissioner to assess up to two points against the driver’s license of a driver convicted of violating the state highway work zone safety law (see BACKGROUND).

KNOWLEDGE TESTS AND DRIVER INSTRUCTION

The bill requires the DMV commissioner to include a question on highway work zone safety and driver responsibility on each

knowledge test given to a driver's license applicant. It (1) requires her to adopt regulations requiring high school driver's education programs to include classroom instruction on highway work zone safety and driver responsibility and (2) authorizes her to adopt similar regulations for commercial driving school instruction. State regulations already require instruction on reducing speed in highway work zones (see BACKGROUND).

PILOT STUDY OF VARIOUSLY COLORED LIGHTS IN HIGHWAY WORK ZONES

The bill requires the DOT commissioner to study the implementation of a pilot program on the use of variously colored lights in highway work zones. The study must analyze (1) the use of these lights in other states, (2) the success of such use, (3) safety concerns about the lights, and (4) federal or state laws or regulations concerning the use of such lights.

The commissioner must report on his findings and any recommendations on implementing the pilot program to the Transportation Committee by February 1, 2014.

BACKGROUND

Endangerment and Aggravated Endangerment of a Highway Worker

A driver commits the offense of endangerment of a highway worker if he or she commits certain motor vehicle violations in a highway work zone when workers are present. A violation is punishable by a fine of up to \$500 if no physical injury occurs or up to \$1,000 if there is a physical injury, in addition to any other penalty allowed by law.

A driver commits the offense of aggravated endangerment of a highway worker if he or she commits certain motor vehicle violations that cause the death of, or serious injury to, a highway worker. A violation is punishable by a fine of up to \$5,000 if a serious physical injury occurs or \$10,000 if there is a death, in addition to any other penalty allowed by law (CGS § 14-212d).

Driver Retraining Program

By law, the DMV commissioner may require participation in this program by drivers age (1) 24 or younger who have been convicted at least twice of a moving violation, suspension violation, or both; and (2) 25 or older convicted three or more times of a moving violation or suspension violation, or a combination of these. The retraining program must (1) review principles of motor vehicle operation, (2) develop alternatives for attitudes contributing to aggressive driving behavior, and (3) emphasize the need to practice safe driving behavior (CGS § 14-111g).

Regulations Concerning Instruction on Highway Work Zone Safety

State regulations require instruction in “slowing down for work zones” in high schools (Conn. Agency Regs. §§ 14-36f-4 and 4a) and commercial driving schools (Conn. Agency Regs. §§ 14-78-33 and 33a).

Point System

State regulations allow the commissioner to suspend the license of a driver who accumulates 11 or more points on his or her driving record. DMV regulations assign between one and five points for various motor vehicle violations, ranging from one point for operating at an unreasonable speed to five points for negligent homicide with a motor vehicle (Conn. Agency Regs. § 14-137a-5 *et seq.*). Points remain on a driver's record for two years from the date they are assessed.

Related Bill

SB 191, also reported favorably by the Transportation Committee, imposes a penalty on people who, failing to exercise reasonable care, seriously injure or kill a vulnerable user of a highway, including a highway worker.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 34 Nay 0 (03/15/2013)